

**106** No sign do We abrogate or cause to be forgotten, but that We bring that which is better than it or like unto it. Dost thou not know that God is Powerful over all things?

**106** *Naskh*, usually translated “abrogation,” has the meaning of conveyance or copying from an original, which could extend to the notion that the entire Quran is a *naskh*, or “copy” in relation to its origin in the *Preserved Tablet* (85:22; Th), or something as simple as a written copy of a text. The more relevant sense in this context is “to erase” or “to obliterate,” often described as the action that the sun performs on a shadow, the wind upon dust, or even old age upon youth. The root *n-s-kh* appears four times in the Quran: in this verse; in 7:154, referring to the *inscription* of the tablets of Moses; in 22:52, where God *effaces* the work of Satan; and in 45:29, in regard to the *recording* of human actions.

*Naskh* (“abrogation”) as a technical term is a key concept in the fully developed form of Islamic jurisprudence, theology, and Quranic commentary, and is a major conceptual tool for understanding the relationship between different commands and prohibitions in the Quran and the *Sunnah*. It is a crucial concept for understanding how the Quran is actually used as a source of Islamic Law and practice, and thus many of the classical commentators devote considerable attention to this particular verse. Other verses often mentioned in this connection are *God effaces what He will and establishes, and with Him is the Mother of the Book* (13:39); *And when We replace one sign with another* (16:101); and *And if We willed, We could take away that which We revealed unto thee* (17:86).

In its mainstream interpretation, *naskh* refers to the replacement of one legal ruling (*ḥukm*) by another one that is instituted or revealed later in time, in which case the original text remains in the Quran, but is no longer binding as a matter of law or practice. As widely understood in the Islamic religious sciences, *naskh* can occur only in matters of commands and prohibitions, not in descriptive passages relating to metaphysics, ethics, history, the nature of God, or the Hereafter; a ruling (*ḥukm*) is a determination of legal status, not doctrine. Thus there can be no abrogation of a passage such as *God has power over all things* (2:259) or *Whosoever believes in God and the Last Day and works righteousness shall have their reward with their Lord. No fear shall come upon them, nor shall they grieve* (2:62); or accounts of previous prophets found throughout the Quran. *Naskh* would not apply to commandments so universal as to be irrevocable, such as the prohibitions against murder, theft, and adultery and the command to be kind to one’s parents.

Other kinds of *naskh* have also been posited by some, such as the *naskh* of both text and ruling. A report attributed to the Prophet’s wife ‘Ā’ishah, for example,

states that there were commands in the Quran relating to suckling that are now neither acted upon nor part of the Quran (see 4:23c). Another type is *naskh* of the text despite a continuation of its ruling, and the example most often cited here is the punishment of adultery by stoning. In a report attributed to ‘Umar, a verse commanding stoning was part of the Quran, but now is not, even though the command of stoning for adultery remains in effect (according to many, if not most, jurists; IK, R, Ṭ). On the question of the “stoning verse,” see 24:2c.

Although it is generally agreed that one Quranic ruling may abrogate another Quranic ruling revealed earlier in time, there has been considerable difference of opinion about other kinds of *naskh*, for example, whether Prophetic practice (*Sunnah*) can abrogate the Quran or vice versa, and whether the consensus of the learned community (*ijmāʿ*) can abrogate a ruling from the Quran or a *ḥadīth*. Moreover, although there has been near universal agreement among the majority of jurists that *naskh* exists, there has been considerable variation on which verses of the Quran and aspects of *Sunnah* are abrogated. Scholars such as the famous Islamic thinker and reformer Shāh Walī Allāh of Delhi (d. 1176/1762) placed the number of abrogated verses at 5; the commentator Ibn al-Jawzī named no less than 247; many other lists exist in between, such as Jalāl al-Dīn al-Suyūṭī’s list of 21 instances. A minority of scholars, such as Abū Muslim al-Iṣfahānī (d. 934/1527), have gone so far as to say that abrogation, as a technical concept defined by the mainstream legal tradition, does not actually exist and that the apparently conflicting rulings can be reconciled.

Even among the mainstream upholders of *naskh*, abrogation must be distinguished from (1) specification, where a verse does not contradict but provides specification regarding the general ruling of another verse; (2) the simple accumulation of law, which may or may not amount to an abrogation; and (3) the disappearance of the circumstances or causes behind the ruling, its *sabab* or ‘*illah*’ (“effective legal cause”). In all cases the question of *naskh* comes into play as a practical matter only when the verses are considered to be irreconcilable as legal rulings.

A small minority of scholars, such as Abū Muslim al-Iṣfahānī, reject altogether the mainstream definition of *naskh* and employ the same passages to make their case either that *naskh* takes place between religions (e.g., Islam in relation to Judaism and Christianity), meaning that God replaces one religion with another, or that *sign* (*āyah*) in this verse means “miracle.” In the Quran many things are called a *sign*: the she-camel of the Thamūd (17:59); the day and the night (17:12); the Companions of the Cave (18:9); Zachariah’s lack of speech for three days (19:10); Jesus (19:21); the white hand of Moses (20:22); Mary and Jesus (21:91); the destruction of Noah’s

people (25:37); the growth of vegetation (26:8); the drowning of the Egyptians (26:67); the destruction of the people of Lot (26:174); the miracles of Moses (28:36); the creation of the heavens and the earth (29:44); the request by the disbelievers for a miracle (29:50); our creation from dust (30:20); a series of items in 30:21–25, none of which refer to the verses of the Quran, thus bearing significantly on the nature of the “abrogation” mentioned in the present verse.

*Cause to be forgotten* (*nunsīhā*) can also be understood in the sense of “abandoning,” as in 9:67, *They forgot God; so He forgot them*, where it means to “forsake” or “spurn,” since God could not actually fail to remember something. With different vowelings (*nansa’ahā*), this verb can mean literally “defer/delay,” in which case the phrase would denote those signs or verses (*āyāt*) that were abrogated and those that were left unchanged. Ibn Kathīr and others mention a *ḥadīth* about two men who used to recite a *sūrah* that the Prophet had taught them. Then one day they tried to recite it, but they could not manage even a letter. They asked the Prophet about this inability, to which he replied, “It is one of those that has been abrogated and forgotten, so leave it.” This would support a reading of “forgetting” over “deferment.”

In trying to make sense of how one verse of the Word of God could be “better” than another, some interpret *better than it* as an alleviation when it comes to matters of this world and an intensification when it comes to matters of the next world (Q, Ṭ). For example, when the night prayer was no longer an imperative of the community (73:1, abrogated by 73:20), that was a change toward ease in this world, but when the fast of Ramadan was imposed (2:185, abrogating 2:184, according to this interpretation), it afforded a greater opportunity for reward in the Hereafter. Thus, for some commentators the verse must mean “No [ruling from a] sign do We abrogate . . . ,” so that it is the ruling, not the sign, that is called “better.” Al-Ṭabarī, for example, compares this implied phrase to the missing phrase “the love of” in the verse *they were made to drink [the love of] the calf into their hearts* (v. 93), since they did not literally drink the calf. Others mention an interpretation that *better than it* means “a good from it” or “a good on account of it,” since the Arabic word for *better* (*khayr*) can also mean “a good,” depending on the context (Q).

### **Source**

Joseph E. B. Lumbard, commentary on 2:106 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

2 As for the adulterer and the adulteress, flog them each one hundred lashes, and let not pity for them overcome you concerning God's Judgment, if you believe in God and the Last Day. And let their punishment be witnessed by a group of the believers.

2 *Adulterer* and *adulteress* render *zānī* and *zāniyah*, respectively, which are derived from *zinā*, meaning unlawful sexual intercourse (by both married and unmarried persons; Q). *Zinā* is also mentioned in 17:32; 25:68; 60:12. A related word is *fahṣhā'* or *fāḥishah*, usually rendered "indecenty," which often, though not always, refers to sexual misconduct in the Quran; for example, 4:15 refers to a *fāḥishah* ("indecenty") that is usually understood to mean *zinā* ("adultery").

According to most jurists, 4:15–16 promulgated the first punishments for adultery: *As for those of your women who commit an indecenty, call four witnesses among you to bear witness against them. And if they bear witness, then confine them to their houses until death takes them, or until God appoints for them another way. And if two of those among you are guilty thereof, punish them both; but if they repent and make amends, then let them be.* These punishments were then considered abrogated by 24:2. It is thought by many jurists and commentators that 24:2 was further abrogated or delimited by the punishment of stoning to death—established by the Prophet, but not in the Quran—for married adulterers (both male and female), while some believe that 24:2 had always been understood as applicable only to unmarried people.

Upholders of the penalty of stoning to death point to *aḥādīth* describing the Prophet enforcing a penalty of stoning to death for married adulterers, a practice also said to have been followed by the first caliphs. They also mention a verse from the Quran that prescribed the punishment of stoning whose "recitation" (*tilāwah*) was abrogated, while its legal status (*ḥukm*) remained; that is, although it is not found in the Quran, its ruling is still binding—a highly contested idea. These sources regarding stoning merit consideration in some detail.

*The Jewish couple:* In one account, often mentioned in the commentaries on 3:23 and 5:43–44, two Jews in Madinah of high station who were guilty of adultery came to the Prophet to decide their case. According to most accounts, they did so hoping to avoid the punishment of stoning recorded in the Torah by relying upon the reportedly more lenient law being brought by Muhammad. According to some accounts, the Prophet asked for the Torah and had the relevant passage read for him, while in others he asked the expertise of a learned Jew of Madinah. In some versions the couple confessed, and in other versions the sentence depended upon the testimony of eyewitnesses. In all accounts of the Jewish couple the Prophet

resolutely vowed to follow the dictates of the Torah, and the couple were stoned to death.

*Mā'iz ibn Mālik:* In another account, a man identified as Mā'iz ibn Mālik, or simply “a man from [the tribe of] al-Aslam,” came to the Prophet to confess adultery, and at this initial confession the Prophet rebuffed him and sent him away. Undaunted, the man returned a second and then a third time and received the same reaction from the Prophet. After he confessed a fourth time, the Prophet ordered him stoned. In some versions, the Prophet thoroughly interrogated the man, asking if perhaps he only engaged in passionate acts other than intercourse, and then made inquiries about whether the man was known to be sane. According to some versions, the man asked the Prophet directly to stone him, while in other versions the man attempted to run from the stoning, crying that his people fooled him into confessing and that he never thought the Prophet would kill him. In these versions, when the Prophet heard of this, he asked why they did not let him go when he said that, so that perchance he could repent. In other versions, the Prophet met him and was the first to ask if it were true that he had committed the sin of adultery, to which the man replied in the affirmative, after which the Prophet warned the man that if he confessed a fourth time, he would be stoned.

*The pregnant woman:* In another account, a pregnant woman, sometimes identified as from the tribe of Juhaynah (or its subtribe Ghāmid), came and confessed her adultery, and even wondered if the Prophet would try to turn her away as he did with Mā'iz. The Prophet ordered her to go away until she gave birth; when she came back after the baby had been weaned, the Prophet ordered her stoned.

*The ḥadīth of double punishment:* According to this *ḥadīth*, the Prophet is reported to have said regarding adulterers, “God has come with a way pertaining to them: for the virgin with a virgin (*bikr*), one hundred lashes and a year's exile, and the nonvirgin with the nonvirgin (*thayyib*), one hundred lashes and stoning.” Other versions exist with similar wording.

*The employer's wife:* In yet another account, a man attempted to give a kind of compensation for his virgin son's crime of adultery with his employer's wife through a large payment of livestock. The Prophet ordered the virgin's father to take back the goods. He then had the son lashed and exiled, and told the people to go to the woman and ask if she would confess; if she did, they were to stone her. She confessed, and they stoned her to death.

*Sayings attributed to the Companions:* In variations of an account attributed to 'Umar ibn al-Khaṭṭāb, 'Umar affirmed the penalty of stoning, warning others not to

be led astray by the absence of such a penalty in the Quran; he maintained that he saw the Prophet enforce it and that “we” (presumably referring to the first Caliphs) also practiced it. The versions of what is attributed to ‘Umar vary significantly in their content, and some allude to a verse in the Quran that describes stoning (see below). Some accounts describe ‘Alī as having both lashed and stoned a woman and then saying, “We lashed in accordance with the Book of God and stoned in accordance with the wont of the Messenger of God.”

*The “stoning verse”:* According to some reports attributed to ‘Umar, there was a verse in the Quran that read, “And the *shaykh* and *shaykhah*, stone them outright,” with some variation in wording, such as the inclusion of “when they commit adultery.” *Shaykh* and *shaykhah* mean “old man” and “old woman,” respectively, which those jurists who accept the stoning verse interpret to mean nonvirgins or married people. This “stoning verse” is often cited as an example of “abrogation of the text but not the ruling,” unlike the usual kind of abrogation in which the text remains, but its legal status is overruled by another verse (see 2:106c).

The central legal problem pertaining to stoning to death for adultery is that 24:2 lays out a clear and detailed punishment for adultery, describing how and by whom the punishment is to be carried out, while making no mention of stoning or distinguishing between married and unmarried persons. In Islamic jurisprudence, abrogating or partly overturning an unambiguous text of the Quran requires a high standard for evidence—and it is only possible if one accepts that a *ḥadīth* can abrogate a part of the Quran, a view rejected by most religious authorities. The penalty of stoning is much more than an explanation or elucidation through the Prophet’s *Sunnah* of a general Quranic concept, as are, for example, the descriptions of how to pray or fast, which are not found detailed in the Quran, but which are transmitted in detail through *Sunnah* as recorded in the *Ḥadīth*. Rather, stoning is a more severe and different kind of punishment—indeed the harshest of all—applied to a class of people (married persons) not specified in the Quran. Elsewhere the Quran does explicitly assign different punishments for sexual misconduct, but these are to make the punishment of a slave half that of a free person (4:25) and to make the punishment of any wife of the Prophet—should she commit such an act—double that of an ordinary person (33:30; though this latter verse is not necessarily always interpreted in this way).

The text of the Quran does not, however, distinguish between the categories of married and unmarried as they relate to *zinā* (“adultery”) or *faḥshā’* (“indecentcy”). Nor is there any other area in Islamic Law in which a distinction is made between young and old (*shaykh*); the nearest such distinction is between prepubescent children and adults, the latter of which are identified as those bearing

full legal responsibility for their actions if they are sane. Thus, even if one can accept the existence of a verse that is no longer present in the Quran but is still legally binding, which notion does not rest on solid textual evidence, the use of *shaykh* and *shaykhah* (“old man,” “old woman”) only serves to confuse the issue, since an old person can be a virgin and a young person can be married. Furthermore, the doubling (33:30) and halving (4:25) of the punishment for adultery is incongruous with the punishment of stoning to death, which unlike lashing can by definition be neither doubled nor halved. The stoning punishment would also complicate the interpretation of *the punishment shall be averted* in v. 8. Since v. 8 refers unambiguously to married women, the punishment would be stoning according to the widely accepted interpretation, but the only punishment mentioned in the passage is lashes.

With respect to the relevant *ahādīth*, the various versions of individual stoning accounts—such as that of Māʿiz ibn Mālik—often contradict each other on important details and contain errors and inconsistencies, such as misquotations from the Torah that amount to paraphrases of later Islamic legal maxims or the Quran itself (such as mention of four eyewitnesses seeing the act “as if seeing a kohl stick going into a kohl container,” referring to a stick used to apply kohl, a black substance sometimes rubbed around the eyes, being inserted into its container). There are, moreover, substantial incongruities between the different accounts. For example, in the cases of Māʿiz and the pregnant woman, the Prophet is portrayed as sparing no effort to give the confessor an opportunity to recant, while in the case of the Jewish couple no such efforts are made. In the case of Māʿiz, he investigates the matter thoroughly, while in the case of the employer’s wife, he simply sends a delegation to ask if she will confess and has her stoned with no similar stream of questioning. Some *ahādīth* mention lashes and stoning combined, while others do not. Furthermore, some accounts mention banishment, but it is absent from other accounts. Though ʿUmar is said to have spoken of stoning, there is no record of either Abū Bakr or ʿUmar stoning anyone in the traditional histories. None of these *ḥadīth* accounts taken singly would seem to rise to the level of abrogating an unambiguous Quranic text, especially because they contradict each other, do not reinforce each other when they are taken together, and indeed seem to nullify each other. Despite this fact, many commentators and jurists do make the claim that the penalty of stoning to death is *mutawātir*, or “widely transmitted,” a technical term that refers to something so widely transmitted from disparate sources that it would be inconceivable for it to have been falsified.

Beyond such ambiguities, some basic logical questions arise, which are mentioned by al-Rāzī as objections on the part of the Khārijites. The Quran

describes many kinds of transgressions including theft and murder, but does not go into the same level of detail for them as it does for adultery, and thus it is implausible that, in the midst of this detail, stoning, which is a more grievous punishment than all others mentioned in the Quran, would go unmentioned. It is also argued that no solitary *ḥadīth* could overturn the plain sense of the Quran, much less on a question as momentous as imposing the severest of penalties.

Jurists typically place the penalty of stoning for adultery in the category of *ḥudūd* (sing. *ḥadd*), referring to those corporal punishments that are mandatory once guilt is established. Another category of punishments, called *taʿzīr*, are those discretionary actions that can be taken by a legitimate political authority but that do not constitute Divinely mandated punishments. This distinction is not necessarily rigid, however, as it is widely accepted that ʿUmar suspended the *ḥadd* punishment for theft during a time of famine. Some have speculated that if indeed the Prophet did have people stoned, it was a *taʿzīr*, not a *ḥadd*. Among these jurists, some speculate that those incidents of stoning, even if taken as historical events, took place before the revelation of 24:2, and thus 24:2 is the final and abrogating punishment for adultery and stoning is at a maximum a possibility of *taʿzīr*. In one account, when the jurist al-Shaybānī asked the Companion ʿAbd Allāh ibn Abī Awfā about stoning, he affirmed that the Prophet did stone, but he did not know whether it was before or after the revelation of *al-Nūr* (the present *sūrah*).

Regarding the requirement that the lashing be *witnessed by a group*, there are disagreements over the minimum number required, some saying one or more, others saying four (corresponding to the number of witnesses necessary to ascertain the guilt of adultery), others saying two (a usual number for witnesses), and others saying three, which is the minimum number for being called a “group” (Q, Ṭ).

Al-Qurṭubī, surveying the legal rulings, describes the punishment of lashes as follows: The lashes should land upon one’s back, but not the head; men are to expose their skin (according to some), but women retain a layer of clothing. They remain standing and are not bound. The whip to be used is described as neither too hard nor too soft, and the blows, although meant to cause pain, should not be so hard as to draw blood. The person administering the lashes is not to raise his arm high up so as to deliver a harder blow and should never let his armpit become visible (from raising his arm to strike). Some say that this limitation is realized by requiring the person to hold an object in his armpit while delivering the lashes. The punishment should be carried out by the most respected members of society and only under the aegis of a legitimate political and legal authority.

In cases where a person’s health cannot withstand the blows, the conditions are modified. In one account, a very frail man was presented for punishment, but it



was clear he would not survive it; so the Prophet ordered that a number of twigs corresponding to the number of lashes be tied together, and the man was struck once with the bundle (Q).

More than one crucial dimension of the interpretation of the Quran comes into discussion regarding the punishment of stoning for adultery, including abrogation (see 2:106c), the relationship between the Quran and the *Ḥadīth*, the authentication and comparison of competing accounts within the *Ḥadīth*, and the status of religious laws other than those of Islam. In contemporary discussions of stoning several Islamic authorities have raised serious doubts about the authenticity of those accounts that attribute stoning to the Prophet or to the early leadership of the Muslim community, basing this conclusion not only upon the punishment's incongruity with the actually existing text of the Quran (setting aside the question of "abrogation of the text but not the command"), but also based upon the improbable nature of some of the *ahādīth* adduced in its favor as well as their mutual contradiction. It is not implausible that the stoning punishment was a holdover from other local traditions (such as that of the Jews) that then came to be considered normative practice in Islam. Some jurists may have reasoned that since stoning is a part of Jewish Law and was not explicitly cancelled by Islamic Law, it could be employed in some conditions, and this act of discretion may have, over the course of time, risen to the level of general obligation; such a position would be supported by the account that describes the Prophet executing Jewish Law against the Jewish couple. One could further speculate that, for reasons of social cohesion, early authorities (after the death of the Prophet and the first generation) felt that the punishment of lashes was not sufficient a check on adultery (indeed, some contemporaries of the Prophet deemed the standards of evidence far too demanding, as mentioned in 24:6–9c) and believed that penalty of stoning to death had to exist as a disincentive on licentiousness, which could lead to social disintegration. Such speculation about the origins of this punishment is justified and worthwhile in the face of the evidence in favor of stoning to death—evidence that is equivocal at best and contradictory and untenable at worst. It is also important to mention that the condition set for the proof of adultery—four eyewitnesses to the very act—was such that this punishment was very rare in Islamic society.

### **Source**

Joseph E. B. Lumbard, commentary on 24:2 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

**101** And when We replace one sign with another—and God knows best that which He sends down—they say, “You are only a fabricator!” Nay, but most of them know not.

**101** That God might *replace one sign with another* is widely understood to refer to the possibility of God’s abrogating a ruling found in one verse and replacing it with a ruling in another verse (JJ, Ṭ). In some cases, both verses remain part of the Quranic corpus, although some commentators claim that this phrase can refer to the abrogation both of the legal ruling and of the verse itself from the corpus of the Quran (Ṭs); regarding abrogation, see 2:106c; 13:39.

Abrogation is considered a manifestation of Divine Beneficence toward human beings, for what might be a beneficial ruling at one time could pose a moral problem at a later one (Z). A clear illustration of abrogation in the Quran can be found in the verses containing seemingly contradictory rulings on the consumption of intoxicating beverages, which were implicitly or conditionally permitted by some verses (2:219; 4:43; 16:67), but later explicitly forbidden in 5:90–91; see commentary on these verses. Some held that the abrogation referred to here and elsewhere in the Quran related to God’s replacing a revealed ruling from an earlier religious community with another one specifically for Muslims, for example, the change of the Muslim direction of prayer from Jerusalem to Makkah (R; see 2:143–44 and commentary). When such abrogation occurred, the Makkan idolaters reportedly accused the Prophet of being *a fabricator*, that is, fabricating the revelations at will (JJ, W, Z). *Most of them know not* means that they are not aware of the possibility and benefits of abrogation (JJ, R, Ṭs) or the reason for it (Ṭs).

### **Source**

Joseph E. B. Lumbard, commentary on 16:101 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

41 Truly those who disbelieve in the Reminder when it comes unto them [ . . . ]. And truly it is a mighty Book.

42 Falsehood comes not upon it from before it or from behind it; a revelation from One Wise, Praised.

41-42 *Those who disbelieve in the Reminder* are those who disbelieve in the Quran (IJ, IK, Q, Ṭs, Z). The elided phrase indicated by the ellipsis in this verse is understood to be “are punished” (Q, Ṭs), “are destroyed” (Bḍ, Q), “are obstinate” (Bḍ), or “are recompensed for their disbelief” (IJ). It could also be understood as a form of emphasis, in which case the elided phrase would be “disbelieve” (IJ). Others say that the phrase is completed by the last part of v. 44: *Such are called from a place far off* (IJ, Q, Ṭs).

*Mighty* renders ‘*Azīz*, which is also one of the Names of God, meaning Powerful, Overwhelming, and without peer (R). In relation to the Quran, it is understood to indicate that the Quran is protected by God from corruption by Satan or any other being (IJ, IK), that it is honored by God (IJ), and that no one can produce its like (IJ, IK, Ṭs). V. 42 can then be understood as a confirmation that nothing can corrupt the Quran (IJ, IK, Ṭs), as in 15:9: *Truly it is We Who have sent down the Reminder, and surely We are its Preserver* (R). Alternately, that *falsehood comes not upon it from before it* indicates that none of the scriptures before it contradicts it, while *from behind it*, which can also mean “after it,” indicates that no revelation will come after it that would contradict or abrogate it (Q, R, Ṭs).

V. 42 also represents one of several responses to the challenges posed by the Quran’s detractors in order to convince them of its Divine Origin, as in 18:1: *Praise be to God, Who sent down the Book unto His servant, and placed no crookedness therein*; and 4:82: *Had it been from other than God, they would surely have found much discrepancy therein*. Elsewhere the Quran challenges those who disbelieve to produce a single *sūrah* like it (see 2:23; 10:38) or *ten sūrahs like it* (11:13), suggesting that they will be unable to do so.

### Source

Joseph E. B. Lumbard, commentary on 41:41-42 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

39 God effaces what He will and establishes, and with Him is the Mother of the Book.

39 Al-Rāzī explains that *God effaces what He will and establishes* means that, in accordance with what the Divine Will has decreed, “He brings things into existence at one moment and makes them nonexistent at another; gives life at one moment and causes death at another; bestows riches at one moment and causes poverty at another.” The *Mother of the Book* (*Umm al-kitāb*; cf. 3:7; 43:4) refers, according to some, to the fundamental source of Divine Revelation from which the Quran and other Divinely revealed books are transcribed (Ṭ); others identify it with the *Preserved Tablet* mentioned in 85:22 (see 85:22c; Bg, Kl, R, Z), and still others say it refers to God’s Knowledge (R).

### ***Source***

Joseph E. B. Lumbard, commentary on 13:39 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

23 Forbidden unto you [as wives] are your mothers, your daughters, your sisters, your fathers' sisters, your mothers' sisters, your brothers' daughters, your sisters' daughters, your milk-mothers and milk-sisters, the mothers of your wives, the stepdaughters in your care—born of your wives with whom you have consummated marriage, but if you have not consummated the marriage with them, then there is no blame on you—and the wives of your sons who are from your loins, and two sisters together, save for what is past. Truly God is Forgiving, Merciful.

23 In addition to wives of their fathers (v. 22), Muslim men cannot marry their *mothers*, including grandmothers; their *daughters*, including granddaughters; or their *sisters*, including both full and half siblings (Q). Al-Shāfi'ī suggests that a man's biological daughter born out of wedlock might not be subject to this prohibition, but all other schools of law prohibit marriage to any biological daughter (IK).

A *milk-mother* is a wet nurse, a woman who nurses a child, but who is not the child's biological mother. The Quran permits parents to pay a wet nurse to suckle a child (2:233, 65:6). Milk-siblings (here *milk-sisters*) are otherwise unrelated persons who, as infants or children, were wet-nursed by the same woman. Relations established through suckling had a legal status similar to blood relations. Thus a woman who nursed a man when he was a child is *maḥram* to him—meaning that she does not need to cover in front of him and he can never marry her. These same permissions and prohibitions apply to the biological children of the wet nurse and her husband and to others she has nursed (Z). Two exceptions are that a man can marry the sister of his milk-son or the mother of his milk-brother (Z). There is some debate as to how long a child must nurse for the milk relationship to be established. 'Ā'ishah maintained that a verse had been revealed requiring ten sucklings for the establishment of milk relations, but this was later changed to five (IK, Q). A more widely transmitted report states that “one or two sucklings” do not establish legal milk relations, which led some to claim that at least three sucklings were required. On the basis of other *aḥādīth*, al-Shāfi'ī required that a child be suckled at least five times (IK, Q), whereas the Twelver Shiite school requires fifteen (or, variously, ten; Ṭs). For most legal scholars, the nursing has to occur within the first two to three years of the child's life (IK, Q, Ṭs).

There was a dispute about whether the exception made for marrying stepdaughters (*rabā'ib*, sing. *rabībah*) who were born of wives with whom one had

not consummated the marriage also applies to marrying the mothers of such wives. The consensus of the community is that the exception only clearly applied to stepdaughters (Q, Ṭ, Ṭs). Nonetheless, some early authorities reportedly held that only when one had consummated marriage with a woman was one prohibited from marrying her mother (IK). Some reportedly read the verse with the following addition: *and the mothers of your wives* “with whom you have consummated marriage” (Z). As in the discussion of v. 21, some early scholars debated the extent of intimate contact that legally constituted consummation (Q, Ṭs, Z). Some viewed any intimate contact with a woman as prohibiting marriage to her daughter, although the Shāfi‘ī school held that the prohibition pertained only in the case of marriage (Q).

The terms *rabībah* for “stepdaughter” and *rabīb* for “stepson” are said by some commentators to derive from the fact that a stepparent often undertakes the raising (*tarbiyah*) of stepchildren (Q, Ṭs), an idea further emphasized by the phrase *in your care* (*fī ḥujūrikum*). A minority tradition suggests that this means that stepdaughters not living with their stepfathers are potential marriage partners. But most understand this not as a condition (*shart*) of the prohibition (IK, Q, Ṭs), but merely as a description of the close family contact one normally has with a stepchild, which is precisely what makes stepchildren forbidden as marriage partners (Z).

As with the prohibition against marrying the former wives of one’s fathers, the prohibition against marrying former wives of one’s sons applies regardless of whether the marriage was consummated or not (Ṭ). The prohibition is limited to the wives of *your sons who are from your loins*, which includes the wives of one’s milk-sons (i.e., the wives of men who had been nursed by one’s wife), but excludes adoptive sons. Some commentators connected this verse to the Prophet’s marrying the former wife of his adopted son, Zayd ibn Ḥārithah. Since Zayd was an adopted son, not a son *from his loins*, the marriage was permissible (IK, Q, Ṭ, Z; see also 33:4, 37, 40). Marrying two sisters is forbidden, *save for what is past*, meaning that such marriages arranged prior to the revelation of this verse could stand (Q). However, the Prophet reportedly ordered men who desired to enter Islam, but had two sister wives, to divorce one (IK).

### **Source**

Joseph E. B. Lumbard, commentary on 4:23 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

**256** There is no coercion in religion. Sound judgment has become clear from error. So whosoever disavows false deities and believes in God has grasped the most unfailing handhold, which never breaks. And God is Hearing, Knowing.

**256** Similar statements regarding faith are also found in 10:99–100: *And had thy Lord willed, all those who are on the earth would have believed all together. Wouldst thou compel men till they become believers? It is not for a soul to believe, save by God's Leave*; and 18:29: *And say, "It is the truth from your Lord! So whosoever will, let him believe, and whosoever will, let him disbelieve"* (see also 76:3; 2:217c). Some report that this verse was revealed in connection with some Muslims who had children among the Banū Naḍīr, a Jewish tribe that was exiled by the Muslim community from Madinah after they were found plotting against the Prophet. Before the coming of Islam, some women of Yathrib (later Madinah) whose children died in infancy made a vow that, if they had children who survived, they would have them raised Jewish, which is how these children came to be among the Banū Naḍīr. These Muslim parents questioned whether they should force their children to join the Muslim community (Q, Ṭ). Another account describes a Muslim man whose two sons became Christians and left for Syria with the merchants who had converted them (Ṭ). And a third account mentions that some Muslims were wet-nursed by Jews, and when the Jewish clans to which they belonged were exiled, they wanted to leave with them and become Jews, but their families forced them to remain Muslims (Ṭ).

According to some sources this verse refers specifically to the People of the Book or to anyone from whom one can take the *jizyah* (see 9:29c; IK, R). Indeed, many argue that the import of this verse is not absolute, since the Prophet, in his campaign and ultimate victory against the idolatrous Arabs, did not give them the option of remaining idolaters or paying the *jizyah* (IK, Ṭ). The Arabs were in fact forced to abandon idol worship, although some disagree over whether they could become Jews and Christians and fall under the protected status of *There is no coercion in religion* (R). This position would entail, in effect, that among a certain group of religions recognized by Islam (including Judaism, Christianity, and Zoroastrianism), *there is no coercion in religion*.

Others argue that this verse was abrogated by those verses that command Muslims to fight (e.g., 9:5), but this interpretation is not chronologically consistent with the three possible occasions of revelation for this verse, which all involve conditions resulting from conflict with the Jews, who were banished by force. This shows, as do many other verses in the Quran, that the fighting Muslims carried out

was motivated by political circumstances and not the desire to convert. More important, coercion in religion negates the idea of responsibility before God (*taḳlīf*), in which one is taken to account for one's actions in both this life and the Hereafter (R). As an ethical or moral pronouncement, this verse is not subject to abrogation at all (see 2:106c). The Makkan idolaters were a special case, because they had been for years the primary threat to the very existence of Islam as a religion. Although forced conversions were not completely unknown in later Islamic history (including from Sunnism to Shiism and vice versa), they can be counted as rare exceptions to the historical rule. For a more detailed treatment of these questions, see the essay "Conquest and Conversion, War and Peace in the Quran."

*Sound judgment* translates *rushd*, which also means "maturity" and "being rightly guided"; *error* translates *ghayy*, which also carries the sense of transgression and temptation. *False deities* renders *tāghūt*, a word that seems to be related to the verb meaning "to rebel" and that is interpreted variously to refer to Satan, magicians, soothsayers, idols, or any being who rebels and trespasses against God (R); for a longer discussion, see 4:51–52c. The *unfailing handhold* (cf. 31:22) refers to either faith or the *shahādah*, "There is no god but God" (*lā ilāha illa'llāh*). The word for *breaks* refers to fractures that do not show or cause separation, meaning that the *handhold* does not give way even slightly or imperceptibly.

### **Source**

Joseph E. B. Lumbard, commentary on 2:256 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).



8 God does not forbid you, with regard to those who did not fight you on account of religion and did not expel you from your homes, from treating them righteously and being just toward them. Truly God loves the just.

8 Muslims are here encouraged not to treat an entire people as enemies, if only some of those people are in fact enemies. In this context, *God does not forbid you* is understood as a positive exhortation meaning, “God wishes you to do so” (Q, R, Ṭ). This verse was reportedly revealed in response to a specific incident when Asmā’, the daughter of Abū Bakr, refused to meet her mother, who had come from Makkah to visit her in Madinah, because her mother had remained an idolater rather than embracing Islam. When the situation was brought to the attention of the Prophet, this verse was revealed. Asmā’ then received her mother in her house (Q, Ṭ, W). In this context, that *God loves the just* (cf. 5:42) indicates that God loves those who are able to discern between those who are enemies and those who are not, thus avoiding indiscriminate animosity.

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9 God only forbids you, with regard to those who fought you on account of religion and expelled you from your homes and supported your expulsion, from befriending them; whosoever befriends them, they are the wrongdoers.

9 Though Muslims are enjoined to not bear animosity toward an entire people, they are also not to befriend or make alliances with members of an enemy force. Such clarifications were crucial at the beginning of the formation of the Islamic community, because many Muslims still had relatives among the Quraysh of Makkah or had previously held alliances with other tribes that were allied with the Quraysh. Nonetheless, the injunctions of this verse have more general implications; see also 5:51c.

### **Source**

Joseph E. B. Lumbard, commentary on 60:8–9 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

**217** They ask thee about the sacred month—about fighting therein. Say, “Fighting therein is grave, but turning [others] from the way of God—and disbelieving in Him—and from the Sacred Mosque, and expelling its people, is graver in the sight of God. Strife is graver than slaying.” And they will not cease to fight you until they make you renounce your religion, if they are able. Whosoever among you renounces his religion and dies as a disbeliever, their deeds have come to naught in this world and the Hereafter, and they are the inhabitants of the Fire, abiding therein.

**217** It is said that this verse was revealed in connection with a Companion, ‘Abd Allāh ibn al-Jaḥsh, who led a scouting mission against the Quraysh a year and a half after the migration from Makkah to Madinah, but before the Battle of Badr in 2/624. At an oasis between Ṭā’if and Makkah, they killed a certain ‘Amr ibn al-Ḥaḍramī, took two prisoners, and returned with the spoils. These Companions claimed to have thought it was the last day of Jumādā’l-Ākhirah, not knowing that it was actually the first of Rajab, one of the sacred months in Arabia, since the calendar was dependent upon sighting the crescent moon (see 2:189c). When they returned to Madinah, the Prophet refused the portion of the spoils they had brought him and told them, “I did not command you to fight during the sacred months.” The Quraysh condemned the breach and accused the Prophet of transgressing the accepted norm of observing the sacred months and spilling blood when it was forbidden. Eventually the matter was settled through a prisoner exchange and the payment of wergild for ‘Amr ibn al-Ḥaḍramī. The verse reminds all concerned that the current state of affairs was a result of Qurayshī transgressions, and that their enmity was unremitting and included not only expelling the Muslims, but preventing them from making pilgrimage and torturing them in order to make them renounce their religion.

Any who renounce their religion can reenter Islam, although in such a case some jurists believe that certain obligations, notably the *ḥajj*, must be performed again. The verb for *renounce* (*irtaddā*) is often translated “apostasy,” but this can be a misleading translation in some cases. On the matter of choosing religion the Quran says elsewhere, *And say, “It is the truth from your Lord! So whosoever will, let him believe, and whosoever will, let him disbelieve”* (18:29); *There is no coercion in religion. Sound judgment has become clear from error* (2:256). It also commands the Prophet to say to the disbelievers, *Unto you your religion, and unto me my religion*

(109:6); and God tells the Prophet and his followers, *So leave Me with those who deny this discourse* (68:44).

Many classical and contemporary scholars, although not a majority, have declared that the mere changing of one's religion is no cause for punishment by the community, especially in light of the Quranic passages quoted above. Rather, such a move must amount to a seditious or destabilizing act in a political sense. This was, in their view, why the first Caliph, Abū Bakr, took up arms against the tribes who left the Muslim community in the so-called *riddah* wars, and why the Prophet left many people alone who left the religion. It would explain, for example, why some early religious authorities, such as Ibn 'Abbās and 'Alī ibn Abī Ṭālib, as well as Abū Ḥanīfah and Sufyān al-Thawrī, did not allow the execution of women who renounced Islam (Q). This would seem to reflect a political and social cause rather than an intrinsically theological one, a cause that would be contingent upon external circumstances. During certain periods of the Prophet's life, changing religion amounted to changing sides in the political sense and thus to high treason, and hypocrites were among the deadliest of enemies of the early community, often collaborating with the Qurayshī idolaters and those tribes who were allied with them.

### ***Source***

Joseph E. B. Lumbard, commentary on 2:217 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

190 And fight in the way of God against those who fight against you, but do not transgress. Truly God loves not the transgressors.

191 And slay them wheresoever you come upon them, and expel them whence they expelled you, for strife is worse than slaying. But do not fight with them near the Sacred Mosque until they fight with you there. But if they fight you, then slay them. Such is the recompense of the disbelievers.

192 But if they desist, then truly God is Forgiving, Merciful.

193 And fight them until there is no strife, and religion is for God. But if they desist, then there is no enmity save against the wrongdoers.

194 The sacred month for the sacred month, and retribution for forbidden things. So whosoever transgresses against you, transgress against him in like manner as he transgressed against you, and reverence God, and know that God is with the reverent.

190–94 Many of the issues raised in this passage are addressed in the essay “Conquest and Conversion, War and Peace in the Quran.” V. 190 is considered by some to be the first verse in the chronological order of revelation to permit fighting, though others dispute this opinion and consider the first such passage to be 22:39: *Permission is granted to those who are fought, because they have been wronged.* Among those passages that had previously forbidden fighting (i.e., while in Makkah and initially in Madinah), some list 41:34: *Repel [evil] with that which is better; then behold, the one between whom and thee there is enmity shall be as if he were a loyal protecting friend;* 5:13: *Thou wilt not cease to discover their treachery, from all save a few of them. So pardon them, and forbear;* 73:10: *Bear patiently that which they say and take leave of them in a beautiful manner;* and 88:22: *Thou are not a warder over them* (IK, Q).

Some report that these verses were revealed in connection with the Treaty of Ḥudaybiyah. In 6/628 the Muslims set out from Madinah for Makkah in order to perform the ‘*umrah* (lesser pilgrimage), but were met on the road by the Makkans at Ḥudaybiyah. There they came to an agreement that the Muslims would turn back, but would be allowed to return to perform the ‘*umrah* the following year. Then, as the time for that approached, some grew apprehensive about going to Makkah, fearing attack and being called upon to fight in the sacred precinct during the sacred

months. This verse was then revealed in order to set the guidelines for engagement (Q, R).

Many commentators use this passage to discuss the usual rules of war, such as the prohibition against killing women, children, monks, hermits, the chronically ill, old men, and peasants (IK, Q). For example, Ibn ‘Abbās said, “Do not kill women, children, old men, or those who offer peace and restrain their hand. If you do that, you will have transgressed against them” (Ṭ). The Umayyad Caliph ‘Umar ibn ‘Abd al-‘Azīz (r. 99–101/717–20) commented on this passage in a letter, saying it meant, “Fight not those who do not fight you” (Ṭ).

This passage is among the most direct in describing the limits of warfare. Muslims are commanded to fight those who fight them first, to expel those who first expel them, but in doing so they are subject to limits. In *transgress against him in like manner as he transgressed against you*, the “transgression” that Muslims are ordered to commit is not seen as illegitimate, as the verb *transgress* (*ʿtadā*) would ordinarily imply. It is, rather, a legitimate response to aggression and in this sense could also be correctly translated “attack him in like manner as he attacked you” (Ṭ). This is similar to the message of 16:126: *And if you would punish, then punish with the like of that wherewith you were punished*; and also 42:40: *The recompense of an evil is an evil like unto it*.

In *strife is worse than slaying*, *strife* renders *fitnah*, a word that can also mean “trial,” “temptation,” or “sedition” (see also 3:7; 3:19; 4:91). Among the acts considered worse than slaughter are disbelief, idolatry, and becoming an apostate from Islam in favor of idolatry, as these things lead to perdition in the Hereafter (Ṭ). The phrase could also mean that some fighting now is better than a state of strife that would lead to even greater fighting and death later, an important idea in later Islamic political philosophy. The commentators typically gloss *strife* as “idolatry” (*shirk*) and hence also interpret the end of *fitnah* to mean the end of that idolatry. Some also reason that *if they desist* means “if they stop being idolaters and become Muslims,” though others simply state that it is the fighting and hostility from which they must desist (R). The interpretation that the conversion of the idolaters is the final goal is problematic, not only in light of the plain sense of this verse, but also in view of other passages, such as 9:6: *And if any of the idolaters seek asylum with thee, grant him asylum until he hears the Word of God. Then convey him to his place of safety*. This passage makes a clear distinction between those who fight against Muslims and those who do not, those who expel them and those who do not, and little explanation is provided by the commentators who seem to take the position that hostilities begin with fighting and expulsion (political causes), but can end only with repentance and conversion to Islam (spiritual causes). Al-Rāzī mentions that

*and religion is for God* shows that the purpose of fighting is to end disbelief and idolatry, though it is unclear why this would not be simply an extension of the goal of ending the very real danger posed by the idolaters. For more on this issue, see commentary on 8:38–40.

Regarding the command *do not fight with them near the Sacred Mosque until they fight with you there*, it should be recalled that the precinct around the Ka'bah, the ḥaram, was considered inviolable by the Arabs as a tradition going back to the time of Abraham; see 2:126c.

*The sacred month for the sacred month* refers to the fact that, although according to the terms brokered at Ḥudaybiyah (6/628) the Muslims had to turn back, they were able to return the following year (AH 7) to perform the lesser pilgrimage (‘*umrah*) in the month of Dhu'l-Qa'dah. *Retribution for forbidden things* refers to the rites of pilgrimage, which were restored by the return in that second year, meaning they were a compensation from God for the rites that they were unable to perform the previous year (Ṭ). The multiple “sacred things” are thought to refer to the sacred or inviolable month, the sacred land of Makkah, and *iḥrām* (the ritual state of pilgrims before performing the pilgrimage rites; R, Ṭ). Others state that when the Makkans heard that Muslims had been forbidden to fight during the sacred months, they thought they could take advantage of their quiescence. This verse was revealed indicating that if any shed the blood of a Muslim during the sacred month, their blood is liable to be shed in the sacred month as well, meaning that Muslims should observe the inviolability of *forbidden things* (e.g., spilling blood in the sacred precincts of Makkah), but not to the point of self-destruction (R).

### **Source**

Joseph E. B. Lumbard, commentary on 2:190–94 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

39 Permission is granted to those who are fought, because they have been wronged—and truly God is able to help them—

39 This is the verse most frequently thought to be the first in permitting the believers to use force to defend themselves. *Permission is granted* refers to permission to fight. Previously, Muslims had been required to deal with the persecution and violence against them with patience and forbearance and in two notable cases through emigration from Makkah: the first was the emigration of some Companions to Abyssinia in 615, where they received the protection of the Negus; and the second was the major emigration of the Prophet and his Companions from Makkah to Madinah in 622.

According to some, this verse was revealed at the time of the emigration (*hijrah*) of the Prophet from Makkah to Madinah, and it is said that upon hearing this verse Abū Bakr said, “I knew that fighting would come to pass” (Q). Others say that it was revealed in connection with a group of believers who desired to emigrate from Makkah, but were hindered and overtaken by the disbelievers, and permission was given to them to fight back (Ṭ). In connection with v. 38, it is understood by some that initially a group of believers asked the Prophet for permission to fight back secretly using techniques like assassination, to which the revelation said, *God loves not any ungrateful traitor* (v. 38), after which permission was given to fight openly (Ṭ); see the essay “Conquest and Conversion, War and Peace in the Quran.”

With slightly different vowelings, the verse can be read to mean, “Permission is given to those who fight because they have been wronged” (Ṭ), and also, “He [God] gives permission to those who fight because they have been wronged” (R).

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40 who were expelled from their homes without right, only for saying, “Our Lord is God.” Were it not for God’s repelling people, some by means of others, monasteries, churches, synagogues, and mosques, wherein God’s Name is mentioned much, would have been destroyed. And God will surely help those who help Him—truly God is Strong, Mighty—

40 The expulsion of the believers from their homes in Makkah, mentioned also in 2:191, 217, 246; 3:195; 8:30; 9:40; 8:30; 60:9, is one of the most often cited grievances of the Muslim community against the Quraysh. The believers were given permission to use force because of the wrongs committed against them: persecution and being forced to leave because of their faith, *for saying “Our Lord is God.”* The

use of force is further contextualized by mentioning the protection of other houses of worship *wherein God's Name is mentioned much*. Muslims are permitted to use force because of a prior use of force, namely, the expulsion from their homes. Likewise, *God's repelling people, some by means of others* is also a justified use of force, because houses of worship *would have been destroyed* unless this “repelling” took place. By implication, such defense or “repelling” should take place in the future under similar conditions; that is to say, in this verse the use of force is conditioned by the actual expulsion of people from their homes and the potential destruction of different kinds of houses of worship.

Opinions differ regarding the religious communities to which each of these houses of worship corresponds. *Monasteries* renders *ṣawāmīʿ*, usually understood to be houses of Christian monks, but also associated by some with the Sabians; *churches* renders *biyaʿ*, which most have understood to refer to Christian houses of worship, but which may also refer to Jewish temples; *synagogues* renders *ṣalawāt*, usually understood to mean Jewish houses of worship but linked by some with the Sabians (see 2:62); and *mosques* renders *masājīd*, a word meaning “place of prostrations” and associated by most commentators with the houses of worship of Muslims themselves, although another opinion sees *masājīd* as a general term referring to the previous three types of houses of worship (Ṭ); see 72:18c.

For many commentators and jurists, in keeping with their general theory of Islam's supersession of all other forms of religion, this verse refers to the houses of worship in the past before the advent of Islam. Muslims, however, are prohibited from damaging or destroying the houses of worship belonging to peoples with whom there is a treaty (*ahl al-dhimmah*) both within and outside of Islamic lands (Q); for more discussion of these issues, see 9:29c and the essay “Conquest and Conversion, War and Peace in the Quran.”

*Those who help Him* is understood to mean those who help God's religion and His Prophet (Q, R).

### **Source**

Joseph E. B. Lumbard, commentary on 22:39–40 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).



**91** You will find others who desire to be secure from you, and secure from their own people, yet whenever they are tempted back to hostility, they are plunged back into it. So if they withdraw not from you, nor offer you peace, nor restrain their hands, then seize them and slay them wheresoever you come upon them. Against these We have given you clear warrant.

**91** If the previous verse prohibits fighting hypocrites who refuse to fight the Muslims, this verse gives the believers a *clear warrant* to do so against those who turn hostile. This latter group discussed here is variously identified as a group of Makkans who came to profess their belief to the Prophet, but then returned to Makkah and idolatry (Ṭ; cf. 4:88–90c) or as the tribes of Asad and Ghatafān (JJ, R, Z). In this verse, *hostility* translates *fitnah*, a term with a semantic range that includes civil strife or sedition (2:191–93, 271; 8:39), temptation or trial (2:102; 3:7), and oppression. Some commentators understand *fitnah* here to mean that they were *tempted back* to idolatry or disbelief (Ṭ, Q) and indicate that the ease with which they returned to idolatry suggests that they were truly idolaters at heart (Q). The instruction to *seize them and slay them wheresoever you come upon them* is similarly given in relation to idolaters or those who have initiated hostilities against the Muslims (see 2:191; 4:89; 9:5). Ibn ‘Ajībah typologically compares the “hypocrites” in vv. 89–91 with certain aspects of the soul. The aspect of the soul that *commands to evil* (cf. 12:53) is analogous to those described in v. 89, who are not only hypocritical with regard to their own faith, but who also have the evil intention of turning believing Muslims from their faith; whereas those described in the present verse are analogous to the wavering aspect of the soul that is always torn between obedience and disobedience. When this aspect of one’s soul urges toward disobedience, it must be fought without restraint.

### **Source**

Joseph E. B. Lumbard, commentary on 4:91 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

75 And what ails you that you fight not in the way of God, and for the weak and oppressed—men, women, and children—who cry out, “Our Lord! Bring us forth from this town whose people are oppressors, and appoint for us from Thee a protector, and appoint for us from Thee a helper.”

75 This verse indicates that fighting to relieve the oppressed is a legitimate basis for religious warfare (Q; also see 2:191–93; 8:39; and the essay “Conquest and Conversion, War and Peace in the Quran”). However, this verse is widely reported to relate specifically to those Muslims residing in Makkah who were oppressed and mistreated by their relatives and prevented from migrating to Madinah and so cried out to be “brought forth,” or delivered, *from this town*, that is, Makkah (IK, JJ, Q, R, Ṭ, Z). This verse urges the Muslims to fight to aid and liberate their suffering fellow Muslims in Makkah. *Weak and oppressed* collectively translates *mustaḍʿafūn*, which denotes both meanings. Cf. vv. 97–98, where certain wrongdoers seek to excuse their actions after death by claiming that they were *weak and oppressed* (*mustaḍʿafūn*) in the land. Their excuse is not accepted, but in v. 98 an exemption is given to those who were truly *weak and oppressed among the men, women, and children*. Ibn ʿAbbās claimed that he and his mother were among the *women and children* who were *weak and oppressed* in Makkah and who were thus excused by v. 98 (IK, Q, Z). Children are mentioned among the oppressed to make clear the extent of the cruelty of the Makkan idolaters, who would reportedly torture children in an effort to make their parents desist from their Islamic faith (R, Z); *children* here might also be a metaphorical reference to Muslim slaves, who were likewise incapable of leaving Makkah to join the community in Madinah (Z).

The *weak and oppressed* Muslims of Makkah cry out for a *protector* (*walī*) and a *helper*; their prayer is answered when the Prophet and his army take control of Makkah in 8/630. After the conquest of Makkah, the Prophet reportedly appointed ʿAttāb ibn Asīd (or Usayd) to redress the injustices suffered by the Muslims in Makkah before its conquest (JJ, Ṭ, Z). This verse also highlights the importance and effectiveness of supplicating God for one’s needs, for when the oppressed of Makkah cried out to God for relief, He answered them in full (Ṭs). Some say that when the oppressed of Makkah supplicated God for relief, they specifically mentioned the suffering of their children to call down more effectively God’s Mercy upon them (Kā, Z). Ibn ʿAjibah reads this verse as encouraging all spiritual seekers to strive and fight against the baser human passions that oppress and weaken the true lights and mysteries of the spirit within. Like the oppressed of Makkah, these inner lights

remain imprisoned in the carnal soul unless one fights to liberate them from the chains of base desire and spiritual heedlessness.

***Source***

Joseph E. B. Lumbard, commentary on 4:75 in *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).

# CONQUEST AND CONVERSION, WAR AND PEACE IN THE QURAN

Caner K. Dagli

Beginning with the persecution of the early Muslim community by the idolatrous Quraysh, leading to exile in Abyssinia for some Muslims and followed by the emigration (*hijrah*) of many Muslims along with the Prophet from Makkah to Madinah, the subsequent military encounters with the Quraysh and their allies, and the final conquest of Arabia, the Prophet Muhammad encountered circumstances demanding that, in addition to his function as teacher and guide, he fulfill the role of military commander and head of state. From almost the very beginning of the Prophet's career, Muslims had to come to terms with the question of the use of force, whether they were its victims or its agents, and as a comprehensive legal tradition, Islamic Law could not have remained silent on the question of war and peace.

When discussing this subject, the use of the term *jihād* deserves special attention from the outset, as it has become deformed and misunderstood in much contemporary discourse. Linguistically *jihād* means "struggle," "striving," or "exertion," though it is commonly and incorrectly translated "holy war" (a term originating in the Western tradition in the context of intra-Christian conflicts); in Arabic "holy war" would be equivalent to the term *al-ḥarb al-muqaddas*, which does not exist in classical Arabic. In the Islamic intellectual tradition, *jihād* means any struggle "in the way of God," that is, in order to obey His Commands or accomplish His Will, which includes but is not limited to the just use of force.

Even though in the Quran and *Ḥadīth* *jihād* is an idea comprising both the spiritual and the material, the inward and outward domains (often referred to as the "Greater Jihād" and the "Lesser Jihād," respectively), in works of Islamic Law the word *jihād* as a technical term came to be understood as a reference to the taking up of arms "in the way of God," though governed by strict rules that have counterparts in the Western concept of "just war." That is to say, there is a distinction to be made between the word *jihād* as it is used in the Quran and the same term in the later legal tradition, much the same way the word *fiqh* and its cognates in the Quran refer to "understanding" in a general sense, but as technical terms came to refer later to law and jurisprudence. It is thus not infrequent that a chapter in a classical text on the virtues of taking up arms in the way of God will have the word *jihād* as part of its

title, but *jihād* is also frequently used in Sufi texts to refer to the struggle in the spiritual life against one's lower desires.

Like many important terms, *jihād* is equivocal; that is, its connotations can change depending on context: a *jihād* against one's persecutors is not the same as a *jihād* against one's passions. In fact, *jihād* has entered common English usage in a way almost indistinguishable from the word "crusade," a term of purely Western origin with a similarly diverse history and a similar capacity to be misunderstood and misapplied. Muslims in an Islamic context could have used the word *jihād* and expected their audience to understand its constituent elements, whether these were the laws governing fighting an external threat or the spiritual techniques used to purify the soul and bring it closer to God. However, the simple use of *jihād* as a way of describing what Muslims believe about conquest, conversion, and violence is worse than meaningless in an intellectual and cultural environment in which specifics regarding such questions need to be spelled out with the utmost precision and care, rather than masked under catchall terms that are useful only in a context where their meaning is well known and generally agreed upon.

To understand the Quran's use of *jihād*, it is necessary to recall that for many years, during the period in which the Prophet preached in his hometown of Makkah, Muslims were forbidden to respond with force to the persecution, suppression, embargoes, and even deaths that they endured. Yet even during this period Muslims were commanded by the Quran to "strive" (*jihād*): *So obey not the disbelievers, but strive against them by means of it with a great striving* (25:52); *Then indeed thy Lord, for those who emigrated after being oppressed, then strove and were patient, surely thy Lord thereafter is Forgiving, Merciful* (16:110). The Prophet himself also taught the virtues of nonviolent forms of struggle, saying, "The best struggle (*jihād*) is to speak the truth before a tyrannical ruler."<sup>1</sup> To a group returning from a battle he said, "You have returned from the lesser struggle (*jihād*) to the greater struggle,"<sup>2</sup> which most Muslims have understood to mean returning from physical fighting to resume struggling to gain perfection on the spiritual path. He also said, "Shall I tell you of your best deed, the most pleasing to your King, the loftiest in your ranks, better than the giving of gold and silver, and better than meeting your enemy in battle, beheading him whilst he beheads you? The remembrance of God."<sup>3</sup>

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1 Al-Nasā'ī 40.37 (no. 4226); Ibn Mājah 37.20 (no. 4148). See also Abū Dā'ūd 38.17 (no. 4346); al-Tirmidhī 29.13 (no. 2329).

2 Aḥmad ibn al-Ḥusayn al-Bayhaqī, *Kitāb al-zuhd al-kabīr*, ed. 'Āmir Aḥmad Ḥaydar (Beirut: Mu'assasat al-Kutub al-Thaqāfiyyah, 1996), 165 (no. 373); al-Bayhaqī says, however, that the *isnād* is weak.

3 Al-Tirmidhī 44.6 (no. 3704); Ibn Mājah 34.53 (no. 3922); Mālik 15.7 (no. 496).

## *The Use of Force*

After the emigration from Makkah to Madinah, Muslims were given permission to engage in battle against those who threatened the nascent Islamic community, and most jurists consider the first verses allowing the taking up of arms to be the following:

*Truly God defends those who believe. Truly God loves not any ungrateful traitor. Permission is granted to those who are fought, because they have been wronged—and truly God is able to help them—who were expelled from their homes without right, only for saying, “Our Lord is God.” Were it not for God’s repelling people, some by means of others, monasteries, churches, synagogues, and mosques, wherein God’s Name is mentioned much, would have been destroyed. And God will surely help those who help Him—truly God is Strong, Mighty—who, were We to establish them upon the earth, would perform the prayer, give the alms, and enjoin right and forbid wrong. And unto God is the end of all affairs. (22:38–41)*

Three points are of special significance in connection with this passage. First, the purpose of force (*repelling some by means of others*) is ultimately the maintenance of religion (the remembrance of *God’s Name* in houses of worship). Second, this protection is not limited to Muslims, but extends to churches, synagogues, and monasteries, meaning that God acts to preserve authentic religion as such. Third, the use of force by Muslims is framed as a defensive action in response to wrongs committed offensively against them.

Among the key Quranic verses pertaining to war and physical conflict are 2:190–94, 216–17, 244, 256; 3:116–56; 4:75; 5:13; 8:5, 38–39, 61; 9:1–15, 29, 111; 10:109; 22:39–40, 52; 42:40; 47:4; 60:8–9, though there are others. These verses merit careful reading in full and in their proper context, and readers are encouraged to explore the commentary in this volume on these passages. They outline the conditions under which Muslims may engage in battle and the reasons for which they are allowed to fight: because they *have been wronged* and *expelled from their homes* (22:39–40); because they have been persecuted, which is seen as *graver than slaying*, and threatened in order to make them *renounce* their *religion* (2:217). Under these conditions, they are commanded to fight and even kill their enemies, and yet *if they desist, then there is no enmity save against the wrongdoers* (2:193) and *what is past will be forgiven them* (8:38). Moreover, it is important to remember that the relevant passages regarding the use of force are not limited to those that describe fighting or contain specific commands and prohibitions regarding war and conflict. The moral landscape of the Quran is unambiguously against religious persecution and military aggression and in favor of justice and forgiveness as well as restraint, and one cannot

consider the rules and justifications for the use of force without consideration of the Quran's general view of other religions and its overall social teachings.

### *Coercion in Matters of Religion*

In order to understand whether and how the use of force can be applied in religious matters, one can begin by examining verses that outline the scope of the Prophet's mission, such as 42:48: *And if they turn away, We sent thee not as a keeper over them. Naught is incumbent upon thee, save the proclamation.* Similar verses include 88:21–23; 13:40; and 5:92. Some of these passages are Madinan, which means that they were revealed after permission was given to the Muslim community by God to struggle with and confront the enemy through force of arms when necessary. Another such verse is, *There is no coercion in religion. Sound judgment has become clear from error* (2:256). This verse was directed at Muslims who wanted to convert their children from Judaism or Christianity to Islam or, according to another interpretation, at those who sought pardon for their children who continued to live among a Jewish tribe that was exiled for planning to assassinate the Prophet. According to the first interpretation, one cannot be coerced into becoming a Muslim, and according to the second, one cannot be coerced into remaining non-Muslim, meaning that those children of Muslims who chose to remain with the enemies of Muslims did so of their own free will.

These passages are in a seeming tension with a *ḥadīth* of the Prophet stating, “I have been commanded to fight the people until they bear witness that there is no god but God and Muhammad is God's Messenger, perform the prayer, and pay the alms. When they have done this, their blood and property are safe from me, except by the right of Islam and their reckoning with God.”<sup>4</sup> This *ḥadīth* raises questions regarding those to whom the word “people” in the *ḥadīth* refers, why they are to be fought, and whether it means that Islam should be spread by force.

The vast majority of the scholars of Quranic exegesis and Islamic Law have always held that the command to preach peacefully and to never coerce anyone in their choice of religion—a message found throughout the Quran—was never changed and continued to hold sway through the end of the Prophet's life and after and still holds true today. For the majority of traditional scholars, the maximum possible scope for “the people” in the aforementioned *ḥadīth* is limited to those with whom the Prophet was engaged in conflict at the time, meaning that “the people” does not refer to all people everywhere but was limited strictly to the pagan Arabs who had been his unrelenting enemies and persecutors. Also, the verb “to fight”

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4 Al-Bukhārī 2.17 (no. 25); Muslim 2.10 (no. 138).

(*qātala*) in Arabic implies that one is in mutual contention with someone, not in a mode of aggression.

Questions also arise in connection with the so-called Sword Verse, 9:5: *When the sacred months have passed, slay the idolaters wheresoever you find them, capture them, besiege them, and lie in wait for them at every place of ambush. But if they repent, and perform the prayer and give the alms, then let them go their way. Truly God is Forgiving, Merciful.* The following verse reads: *And if any of the idolaters seek asylum with thee, grant him asylum until he hears the Word of God. Then convey him to his place of safety. That is because they are a people who know not* (9:6). This second verse commands Muslims to receive idolaters if they seek asylum, to preach the truth to them, and then to let them go safely. It sets no condition that they repent and accept Islam. Some have posited, without much support in the principles of exegesis, that the second verse is abrogated by the first, meaning that the legally binding nature of 9:5 overturns that of 9:6. However, a straightforward reading shows that becoming Muslims is not a condition for the asylum seekers' safe return. Rather, these two verses present not one, but *two* possibilities for non-Muslims to escape armed conflict with the Muslim community: the first is to accept Islam, as mentioned in the first verse, and the second is to seek asylum with Muslims, as mentioned in the second verse. Moreover, as mentioned in connection with some of the verses cited earlier, this passage was interpreted traditionally as pertaining only to Arabia and not to the whole world.

The invocation of "abrogation" as it concerns passages relating to the use of force is a persistent issue in Quranic commentary. Some jurists tend to uphold the opinion that verses permissive of conflict "abrogate" or cancel the binding force of those verses that discourage or limit it, in extreme cases (as in 9:5) holding that a verse abrogates the one immediately following it in the text. Because of the consequential nature of verses related to the use of force, it is worth remembering that in almost all cases abrogation is a contested matter. Most jurists accept that abrogation exists in the Quran, but there is a wide range of opinion as to its scope and application (see 2:106c).

### *Treaties and Treaty Peoples*

Treaties are an important dimension of Islamic Law as they pertain to war and peace. From the time he took political power in Madinah until his death, the Prophet entered into treaties with several tribes on the Arabian Peninsula, among them Jewish tribes such as Banū Qurayzah and also the polytheistic Quraysh. Among the key verses dealing with treaties are 8:56–61 and 9:7–16, beginning with 9:7: *If they remain true to you, remain true to them. Truly God loves the*



*reverent.* Observing established treaties with non-Muslim polytheists meant that the Muslim community was willing, and indeed commanded, to live in a state of peace with its neighbors regardless of their religion. When Muslims were commanded to fight those who broke their treaties, the reason inviting retaliation was the resulting threat to the Islamic community and not the identity of the treaty breakers.

Moreover, the Quran does not allow Muslims to wage war on those who pose no threat at all: *Had God willed, He could have given them authority over you, and then surely they would have fought you. So if they withdraw from you, and do not fight you, and offer peace, God allows you no way against them* (4:90); and, *If they incline toward peace, incline thou toward it, and trust in God* (8:61). In some cases, such as the surprise attack at Khaybar and the campaigns of Mu'tah and Tabūk, the Prophet and his Companions set out in an offensive posture, attacking first. However, these were not instances of aggression, but what modern international law might call preemptive (not "preventive") self-defense. In the case of Khaybar, the Prophet was taking action against a tribe that was secretly plotting to attack the Muslims. In the case of Mu'tah, an emissary of the Prophet was killed by tribes to the north who were under the protection of the Byzantines, and in the campaign of Tabūk the Muslims took to the field based on information that the Byzantines were planning attacks of their own.

Indeed, the Arabic saying, "When the Byzantines are not campaigned against, they campaign," describes the state of much of the world before the UN Charter, the Nuremberg Principles, and the Geneva Conventions, and in many cases after these agreements as well. Maintaining security was often a matter of active defense to maintain boundaries, and in the absence of an explicit treaty one group could not expect to be left alone if it left others to prepare to attack. Borders were not established facts of international agreement, but rather were usually determined by how much territory one group could effectively defend. Conquest as such was not seen as an international crime (indeed, there was no such concept in premodern history), and until the last century war was seen as a legitimate instrument of national policy.

In their wake Muslim armies left large portions of the lands they conquered predominantly non-Muslim for decades or even centuries, as we see in the cases of Syria and Persia, since the expansion of Islamic rule did not require the expansion of the Muslim population. Indeed, on occasion Christians fought alongside Muslims during the early conquests, and Jews fought alongside Muslims in Andalusia. Moreover, most of the Islamic world was never conquered at all, but became Muslim through the example of saintly figures, preaching, or simple contact with pious Muslim merchants. Had Muslims desired to convert populations by force or expel

them, the Christian and Jewish communities that have historically lived in the Islamic world and continue to do so until the present day would not exist. A better example of “religious” conquest would be the Christian conquest of southern Spain in 1492, after which not a single active mosque or Muslim community was allowed to exist in Spain until the latter part of the fourteenth/twentieth century.

In Islamic Law, the People of the Book (usually Jews and Christians, but in practice also Zoroastrians, Hindus, and others) who live under the political rule of Muslims are called *ahl al-dhimmah*, literally “people of treaty.” Broadly speaking, there are two ways in which a given people may be considered *dhimmīs*, or “treaty people.” In one case, *dhimmīs* live among the Muslim population and share the same streets, markets, and neighborhoods. In the second case, *dhimmīs* live in a separate area and run most of their own affairs. Naturally there are variations that lie between these two categories, but these are the two general types. Crucial to understanding these arrangements is the fact that a treaty people were not just a religious community, but constituted a political and legal unit in relation to the Muslim community.

In the first case, *dhimmīs* live under the laws and within the framework provided by the Islamic state, but with complete autonomy with regard to their religious and cultural matters such as education and family law. The protected people are not required to contribute to the military protection of the state, but are subject instead to an “indemnity,” or a tax specific to them, most commonly known as the *jizyah*, but it has other names as well (*dhimmīs* do not pay the Islamic alms, or *zakāh*, which is required of Muslims). This common arrangement lasted in many parts of the Islamic world, particularly in the Ottoman Empire, until the fourteenth/twentieth century. Historically other rules were imposed on the treaty peoples, such as a prohibition against missionary activity and limits on the construction of new houses of worship.

In the second case, the *dhimmī* state agrees to exist in peace with the Islamic state and not help or support any enemy of Islam. Examples of this include the Prophet’s arrangement with the people of Bahrain, who were Zoroastrians, and with the Christians of Najran. Under such an arrangement, the people remain completely autonomous and run their own affairs. They remain under the protection of the Islamic state, with no responsibility to provide active protection in return. The Islamic state has no right to any of their wealth or property except for the *jizyah*, or “indemnity.” These kinds of agreements were commonplace during the early conquests and even later in Islamic history.

The verse that institutes the *jizyah* is 9:29: *Fight those who believe not in God and in the Last Day, and who do not forbid what God and His Messenger have*

*forbidden, and who follow not the Religion of Truth among those who were given the Book, till they pay the jizyah with a willing hand, being humbled.* The phrase *being humbled* (*wa-hum ṣāghirūn*), which can also mean “in a state of humility or lowness,” has been interpreted and applied in more than one way; some take it to mean simply “as the minor or subject party,” and others restrict the reference to those from whom Muslims had experienced prior hostility and enmity. Indeed, some commentators note that this verse does not seem to describe all People of the Book, though most jurists have interpreted it to apply to the People of the Book generally when they enter into a treaty relationship with a Muslim state. In Islamic history some rulers have enforced a kind of humiliation to accompany the paying of the *jizyah* by the *dhimmī* communities, but in doing so they have generally gone against the most established Islamic precedent and legal opinion. Neither the Prophet nor the early Caliphs humiliated *dhimmīs* during the payment of the *jizyah*; sometimes they allowed it to be called “charity” and always required that it be collected with gentleness.

Modern observers looking at the institutions of *dhimmah* and *jizyah* often interpret them through the prism of familiar concepts of citizenship and civil society, but since a religious community in Islamic Law delineated historically a political community as well (as it did in the Ottoman Empire, for example), the historical virtues and abuses of such institutions are more properly judged according to an idea of multiple religio-political communities occupying the same geographic space. Although *dhimmīs* paid an indemnity (*jizyah*), they were not required to serve in the armed forces, and although there were limits placed on their ability to expand and preach to those outside their communities, they were granted significant autonomy to run their own affairs. The rules on the treatment of Jews and Christians (which extended in practice to other religions as well) are often seen as placing a limit on some of their rights, but it should be recalled that, in establishing a maximum, Islamic Law also established a minimum. Whatever transactional limitations the treaty peoples experienced, embracing Islam under threat of force was rare in Islamic history and has no warrant in the Quran with the exception of the pagan Arabs of the Prophet’s time, who, in the view of most jurists, were not given the option of becoming a treaty people.

### *The Conduct of War*

Islamic Law, basing itself on the Quran and *Ḥadīth*, devotes considerable attention to the conduct of war. Its principles are based upon such texts as 2:190: *And fight in the way of God against those who fight against you, but do not transgress. Truly God loves not the transgressors*; and a *ḥadīth* in which the Prophet said, “Do not kill weak

old men, small children, or women.”<sup>5</sup> The canonical books of *Ḥadīth* record that when the Prophet dispatched his armies, he would command them to fight in the way of God, but not to act brutally, kill children, women, or old men, mutilate the dead, or mutilate animals. Many similar injunctions were given by the early Caliphs and were expanded upon in the formation of classical Islamic Law. Beyond the sparing of noncombatants, Muslims were explicitly ordered not to cut down fruit-bearing trees, kill animals except for the purposes of sustenance, harm monks and hermits, or go beyond certain bounds even in the case of combatants (mutilation, etc.). These commands, which also extend to the rights of animals and plants and the protection of the natural environment, are part of a binding law, not merely a theory of just war. Muslims are just as obliged to obey these prohibitions, in all conditions, as they are to refrain from wine and adultery.

### *Limits of Conquest*

Having surveyed questions regarding the legitimate use of force and its bearing on religious identity, we might consider the question of whether the Quran sanctions the use of force by Muslims against non-Muslims who pose no active, imminent, or even likely threat with the goal of asserting sovereignty over them. That is to say, does the Quran enjoin Muslims to attempt to gain political control over non-Muslims even while allowing them to remain non-Muslim as *ahl al-dhimma*, or “people of treaty,” and does it do so for no other reason than that they are non-Muslim? As described above, the Quran always frames the use of force in terms of moral principles, whether it be a response to expulsion, religious persecution, or threat of attack, not to mention basic self-defense. Why, then, did Muslims take control of territory beyond the Arabian Peninsula? Why should Muslims have set out to conquer more lands at all? A straightforward argument could be made in support of fighting to conquer Makkah, the town from which the Muslims had been forced to emigrate, and one could also justify the taking of the territory of other tribes who had previously allied with the Quraysh and consistently displayed hostility toward the Muslim community. But did the early Muslim community have the moral authority to conquer the remainder of Arabia? Byzantium? Persia?

The decades after the death of the Prophet were a tumultuous time, and on questions related to war and politics it is difficult to speak of a consensus in the Muslim community. However, there was an explicit sense among at least some in the early community that, when they fought, they were fighting not for hegemony and conquest for their own sake or to make the world’s population Muslim, but for the

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5 Abū Dā’ūd 15.90 (no. 2616), Mālik 21.3 (no. 971). Similar *ahādīth* are recorded in Muslim, al-Nasā’ī, al-Tirmidhī, and Ibn Mājah.

survival of the religion itself. During one of the early civil wars, ‘Abd Allāh ibn ‘Umar, the son of the second Caliph, was asked why he was not fighting, and he said, “Son of my brother, Islam is built upon five things: belief in God and His Messenger, the five prayers, the fast of Ramadan, giving the alms, and performing the *ḥajj*.” His interlocutor then quoted to him 49:9: *If two parties among the believers fall to fighting, make peace between them. And if one of them aggresses against the other, fight those who aggress until they return to God’s Command. And if they return, make peace between them with justice and act equitably. Truly God loves the just.* ‘Abd Allāh ibn ‘Umar responded, “We did that during the time of the Prophet, when Islam was trifling, when a man would be tried regarding his religion, and they would either kill him or torture him. But then Islam became great, and there was no trial (*fitnah*).”

Though uttered in a specific context, this statement conditions the use of force on the prospect of the survival of the religion and the threat of extreme religious persecution to the point of forced conversion. The precariousness of the Muslims’ situation in the early days is alluded to in such verses as 8:26: *And remember when you were few, deemed weak in the land, fearing that the people would snatch you away. Then He sheltered you, and strengthened you with His help, and provided you with good things, that haply you may give thanks.* The Quran also tells the believers not to be concerned about the fact that their enemies are *free to come and go in the land* (3:196; 40:4), while they are weak and live in a state of fear, because the final fate for disbelievers is Hell.

One could argue that to the Companions it was not at all obvious that Islam *as a religion* could survive if they did not take an active role in establishing a political, military, and cultural environment robust and resilient enough to protect it; in those early times the first generation pushed the borders of the Islamic political entity for fear that the spiritual message of Islam would not last long in the world if they did not do so. They did not live on an island. Despite the somewhat persistent notion that the Arabs lived in a land that was a backwater ignored by the civilizations around it, Arabia, or at least the Ḥijāz, was very much connected to the rest of the ancient world, and the early Muslim community often felt the concrete threat of the Byzantines and Persians, through their Ghassanid and Lakhmid allies to the north, for example. (Recall the maxim mentioned earlier, “When the Byzantines are not campaigned against, they campaign.”) In one incident a prominent opponent of the Prophet is recorded as having conspired with the Byzantines and as part of his plot built a mosque or place of prayer in Madinah known as the “mosque of harm,” spoken of in 9:107: *And as for those who established a mosque for harm and disbelief, and to divide the believers, and to be an outpost for those who made war on*

*God and His Messenger before, they will surely swear, "We desire only what is best." But God bears witness that truly they are liars.*

But does Islamic Law treat the entire world as hostile until conquered? The often invoked delineation between the "Abode of Islam" (*dār al-islām*) and the "Abode of War" (*dār al-ḥarb*), a terminology not found in the Quran or *Ḥadīth*, is a relic of a period of history when empires or kingdoms could go to war at any time in the absence of a treaty. This is precisely what "Abode of War" meant: an area that had not signed a treaty and hence was a potential aggressor. However, the Abode of War and the Abode of Islam, even in the context of this taxonomy in classical Islamic Law, were never a simple bifurcation, since there were also the "Abode of Treaty" or the "Abode of Safety" (*dār al-ṣulḥ* or *dār al-amn*), referring to lands with whom a treaty or pact existed, and other designations to describe the political status of a territory.

Although contemporary observers can and should judge the morality of the use of force by premodern caliphs, kings, and emperors, we cannot use in that judgment the standards under which most of us were born. In 1928 the Kellogg-Briand pact was the first major systematic attempt in an international context to renounce war as an instrument of national policy. Previously, what protected states against each other were military deterrence and treaties. Over the course of the fourteenth/twentieth century, the Nuremberg Principles, the Charter of the United Nations, and the Geneva Conventions laid the foundation for current international law, which, needless to say, is not always followed by nations in the world even today. These agreements constitute binding treaties between the signatories. They make military aggression between states illegal and, among other things, forbid the acquisition of territory by war, define war crimes during the conduct of war, and govern the treatment of prisoners, civilians, and combatants. In a certain sense the international system renders the default status of the entire world the Abode of Treaty.

Although it is true that some authorities throughout Islam's long history have interpreted the Islamic law of war as giving Muslims unqualified permission to conquer and expand into territory controlled by non-Muslims or in extreme cases to bring the entire world under their dominion, this has remained a minority view. The complex history of the first generation of Muslim conquest can be interpreted more plausibly as a stage in the history of Islam when the future existence of the religion was far from certain and when expansion meant survival.

Indeed, it is worth considering whether the Companions of the Prophet had any particular taste for conquest for its own sake. The Quran seems to suggest in 2:216 that they did not: *Fighting has been prescribed for you, though it is hateful to*

*you. But it may be that you hate a thing though it be good for you, and it may be that you love a thing though it be evil for you.* Some commentators note the war-weariness of many Companions and their desire to return to a peaceful life in the homes from which they had been expelled, understanding the Quran to promise in 24:55 that fighting will come to an end: *God has promised those among you who believe and perform righteous deeds that He will surely make them vicegerents upon the earth, as He caused those before them to be vicegerents, and that He will establish for them their religion, which He has approved for them, and that He will surely change them from a state of fear to security.*

The foregoing remarks have been focused upon the first generation of Muslims, whose example Muslims consider normative, but even in that generation matters are complicated by the intra-Muslim conflict that began with the Wars of Repudiation (*riddah*), in which many tribes of Arabia tried to secede from central rule in Madinah, as well as by the later assassination of the third Caliph, ‘Uthmān, and the ensuing civil wars. If, for the sake of simplicity, we focus on the reigns of the first two Caliphs, Abū Bakr and ‘Umar, we note that these were not men who employed force for the sake of glory in this world, but were humble and self-effaced. Abū Bakr walked out on foot with an army, to the embarrassment of a younger general. ‘Umar famously walked into Jerusalem, because it was his servant’s time to ride. Nor were they zealots whose asceticism was a mask for fanaticism. Abū Bakr set down strict rules for fighting. ‘Umar, for all his legendary brusqueness, took control of Jerusalem with proverbial gallantry and chivalry. They were often quite ambivalent about their conquests and the exercise of power. For example, far from being delighted at acquiring the wealth of the Persians, ‘Umar was quite dismayed at what it might do to the souls of his soldiers. Focusing on Abū Bakr and ‘Umar is useful not because the motivations of the first two Caliphs were different from those of the third and fourth, but because it allows us to see the issue unclouded by the theological and political issues that arose after them as a consequence of the civil wars sparked initially by the assassination of ‘Uthmān.

Those who are fair-minded about Islamic history must be ready to acknowledge, at least in principle, that in particular historical situations the drive to expand Islamic rule was not completely justifiable according to the moral structure outlined in the Quran, but was at least partially the result of ordinary caprice, or *hawā*, to use Quranic terminology. It is true that throughout Islam’s history large parts of the Islamic world became Muslim at the hands of saintly figures, but some territory was also conquered by tyrants and rulers who could be accurately described using the words of the queen of Sheba in 27:34: *Verily kings, when they enter a town, corrupt it, and make the most honorable of its people the most abased.* Such a

mixed history is something the Islamic world has in common with every other major civilization. Accepting this view enables contemporary observers to interpret the actions of the early community based upon the ethical principles laid out in the Quran and the *Hadīth* and provides a framework by which to judge properly whether to celebrate or condemn the conduct of later Muslims when they resorted to force or military action.

Finally, any impulse toward world domination and the imposition of unitary rule by one religion, Muslim or otherwise, over all people should surely be tempered by such unequivocal verses as 5:48:

*And We have sent down unto thee the Book in truth, confirming the Book that came before it, and as a protector over it. So judge between them in accordance with that which God has sent down, and follow not their caprices away from the truth that has come unto thee. For each among you We have appointed a law and a way. And had God willed, He would have made you one community, but [He willed otherwise], that He might try you in that which He has given you. So vie with one another in good deeds. Unto God shall be your return all together, and He will inform you of that wherein you differ.*

In more than one place the Quran assumes the existence of multiple religious communities and even describes the Muslim community's role in relation to them, addressing Muslims in 2:143: *Thus did We make you a middle community, that you may be witnesses for mankind and that the Messenger may be a witness for you* (cf. 22:78). This verse and those that mention that God could have made humanity one community (e.g., 5:48) do not call upon Muslims to realize dominance or even to strive for the spread of Islam among all peoples. This principle was acknowledged by many jurists who described most or all of the verses in the Quran pertaining to the use of force as applying to those enemies whom the Muslims were facing during the time of the revelation, although they also provide guidelines for conduct in other situations to come later in history. Sometimes classical commentators dismissed openly the idea that the Quran intended for the world to be conquered by Islam, if only because such an event had not in fact taken place and the existence of such a stated or predicted goal in the Quran would thus have been theologically problematic.

### *Remembering the Tradition*

Though the Quran is the first source for Islamic Law, and hence for any law of war, it has always been understood in light of its overall teachings on right and wrong as well as the life and teachings of the Prophet (the *Sunnah*) and the scholarly tradition



since then. Our contemporary situation has highlighted the importance of having recourse to the insights provided by the learned tradition of Muslim jurists and theologians as well as the danger of reading parts of the legal teachings of the Quran without regard for the whole law itself, although in some important cases Muslim jurists themselves have not always agreed on the application of the Quran to matters of war and some have arguably gone beyond what the plain sense of the text allows. Moreover, today some extremist critics and proponents of Islam have often removed and continue to remove verses of the Quran from their context and have dismissed (through ignorance or misdirection) over a thousand years of legal doctrine and interpretation.

In regulating war, Islamic Law does not espouse belligerence, any more than regulating sexuality encourages licentiousness. Yet Islam's ideal of peace does not make it pacifist, and thus a proper understanding depends on avoiding the extremes of viewing Islam as an inherently warlike religion or of trying to portray it as a quietist one. Rather, its ideal is the establishment of harmony based on justice to the extent possible. The Islamic rules of war and peace have been followed throughout Islamic history with varying degrees of success, and in a minority of cases were openly violated, but anecdotal evidence of such cases should not distract from the Quranic sources and principles codified later in the legal tradition and followed in most instances in Islamic history.

Many Muslim jurists have conceived the fundamental objectives of Islamic Law to be the maintenance and protection of life, religion, mind, lineage or dignity, and property, and they view these five as indispensable rights that individuals need in order to live within a just society. As part of Islamic Law, the rules governing the use of force are directed toward those very same principles and are constrained by them. These principles prohibit Muslims from becoming brutal aggressors, without leaving them defenseless in the face of danger or attack, thus preserving and protecting these fundamental rights, and are predicated upon the striving for justice, the protection of innocents, and the acceptance of other religions. This is the least, and the most, that can be expected from any law when it comes to war.

### ***Source***

Caner K. Dagli, "Conquest and Conversion, War and Peace in the Quran," *The Study Quran*, ed. S. H. Nasr et al., (San Francisco: HarperOne, 2015).